

## **AUSTRIA (Tier 1)**

Austria is a transit and destination country for women and children trafficked from Romania, Bulgaria, Hungary, Moldova, Belarus, Ukraine, Slovakia, Nigeria, and sub-Saharan Africa for the purposes of commercial sexual exploitation and forced labor. Some of these women are trafficked through Austria to Italy, France, and Spain. Women from Africa are trafficked through Spain and Italy to Austria for the purpose of sexual exploitation. There are reports of some trafficking of foreign women and children for the purpose of forced domestic servitude and forced begging within Austria. The Government of Austria fully complies with the minimum standards for the elimination of trafficking. The government convicted an increased number of trafficking offenders, improved its funding for victim protection, and continued to undertake proactive prevention campaigns in 2008.

### **Recommendations for Austria:**

Ensure that a majority of convicted traffickers serve adequate time in prison; continue to improve victim identification and protection by establishing a formal and systematic identification and referral process; establish systematic care and support for children who are victims of trafficking; improve identification and services for men who are potential victims of forced labor trafficking; continue to collect comprehensive national law enforcement data on trafficking and improve the collection of victim assistance statistics; and take measures to reduce domestic demand for commercial sex acts.

### **Prosecution**

The Austrian government demonstrated adequate antitrafficking law enforcement efforts over the reporting period. Article 104(a) of the Austrian Criminal Code prohibits trafficking for both sexual exploitation and forced labor. Prosecutors typically use Articles 104(a) and 217 of the criminal code as well as Article 114 of the Aliens Police Act to prosecute traffickers. Penalties prescribed in Article 104(a) and Article 114 range up to 10 years' imprisonment while penalties prescribed in Article 217 range from six months' to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. In 2008, police conducted 50 trafficking investigations, compared to 89 investigations conducted in 2007. Prosecution and conviction data for 2008 were unavailable at the time of this Report; however, in 2007, 30 trafficking offenders for whom trafficking was the leading charge were convicted, an increase from 18 such convictions in 2006. Also in 2007, there were fewer suspended sentences for those convicted of trafficking, and some sentences slightly increased. In 2007, 14 convicted traffickers did not receive suspended sentences. Two of these traffickers received three to five years' imprisonment, eight received one to three years' imprisonment, two received six to 12 months' imprisonment, and two received three to six months' imprisonment. Three traffickers received suspended sentences and one received a suspended fine in 2007.

## **Protection**

The Government of Austria demonstrated some improvement in its victim assistance efforts in 2008 by increasing funding to a key anti-trafficking NGO that provided shelter and assistance to victims in Vienna. In 2008, it provided \$542,700 to this NGO, compared to \$436,800 provided in 2007. Federal and local governments continued to fund seven immigration and domestic abuse centers that assisted victims outside of Vienna. Police and NGOs identified a combined total of 203 trafficking victims in 2008, up from 170 in 2007. All of the foreign victims were provided with counseling; however, only 37 of these identified victims received shelter from the government-funded NGO. The remaining 166 victims received assistance in the form of social and legal counseling in their native language, German-language classes, computer courses, and health prevention. Police referred 60 of these victims to the Vienna-based NGO for assistance; however, the government does not have formal and systematic procedures for the identification and referral of victims. The government encouraged victims to assist with investigations and prosecutions of traffickers. Austrian authorities provided victims with a 30-day reflection period, a time for victims to receive immediate care and assistance while they consider whether to assist law enforcement. Victims who agreed to cooperate with law enforcement qualified for temporary residence. The government reported that it made proactive efforts to identify trafficking victims among Austria's sizable, legal commercial sex sector. The government reportedly ensured that victims were not penalized for unlawful acts committed as a direct result of being trafficked. The government provided foreign victims of trafficking with legal alternatives to their removal through a temporary resident permit of at least six months.

## **Prevention**

Austria continued its proactive efforts to prevent trafficking through public awareness-raising activities in 2008. It subsidized several TV programs about trafficking throughout the reporting period and hosted a number of conferences aimed at raising awareness of child trafficking and improving data collection on this issue throughout the EU. In April 2008, the government staged an event commemorating the 10th anniversary of its key antitrafficking NGO, which included panel discussions and lectures on trafficking. In conjunction with the European Soccer Championship, in June 2008, the government subsidized and widely distributed a brochure to inform women in prostitution about their rights and to sensitize the public. The brochure sensitized soccer championship visitors to the fact that women in prostitution may be trafficking victims. However, domestic awareness efforts continued to be largely directed at victims of trafficking rather than "clients" of Austria's legal and regulated sex trade. There were approximately 2,800 legal and illegal brothels operating in Austria during the reporting period. The government published a brochure on child trafficking in 2008 to raise awareness and provide advice on assisting this population of victims. The government funded an NGO-provided course to sensitize Austrian troops on human trafficking before they were deployed on international peacekeeping missions. The Austrian government reportedly monitored its borders for signs of trafficking and border officials screened travelers to identify potential trafficking victims.

Austrian law allows the extraterritorial prosecution of Austrian nationals who travel abroad to engage in child commercial sexual exploitation. In 2008, it continued a campaign to encourage tourists and travel agencies to report cases of child sex tourism. It did not report any investigations or prosecutions of such activity. (End of text)